

MEMORANDUM OF LAW

DATE: October 18, 1985

TO: Councilwoman Gloria D. McColl

FROM: City Attorney

SUBJECT: Council District Seven Vacancy

By memorandum of October 14, 1985, you asked what is the earliest possible date the newly elected council member for District Seven (7) could be sworn in.

The term of council members is specifically provided in San Diego City Charter section 12 to be a four (4) year term "from and after 10 a.m. the first Monday after the first day of December next succeeding their election"

The commencement of the term is echoed in San Diego Municipal Code section 27.2020 which provides:

SEC. 27.2020 TERM OF OFFICE

The term of office for officers elected at a primary or general election pursuant to this

article shall commence at 10:00 o'clock a.m.
(local time) on the first Monday after the
first day in December following their election
or upon the taking of their oath of office,
whichever event occurs later. The term of
office for officers elected at a special
election pursuant to this article shall
commence at the time the Council adopts the
resolution declaring the results of such
election.

Therefore under the requirements of the above provisions, the
earliest date for filling the vacancy in District Seven (7) would
be December 2, 1985 at 10:00 a.m. (local time).

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

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